

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus Jaime HERNANDEZ-Cuevas

Defendant.

07 OCT -9 AM 10:03

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Magistrate Case No.

'07 MJ 2389

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326


Attempted Entry After

Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about **October 5, 2007** within the Southern District of California, defendant **Jesus Jaime HERNANDEZ-Cuevas** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. CUSTOMS and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9TH DAY OF
OCTOBER 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Poplawski, declare under penalty of perjury the following to be true and correct:

On October 05, 2007 at approximately 2112 hours, a male individual later identified as Jesus Jaime HERNANDEZ-Cuevas (Defendant) attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry, through vehicle primary lane 6. Defendant was a passenger in a gray 2005 Nissan Pathfinder. The driver of the vehicle was Defendant's sister and also accompanying was Defendant's mother. During primary inspection before a Customs and Border Protection (CBP) Officer, Defendant presented a California Identification Card bearing his name and likeness. Defendant further stated he was a United States Citizen born in Los Angeles, CA. The CBP Officer queried Defendant's name and date of birth which indicated he was a previously deported felon. The CBP Officer then escorted vehicle and occupants to secondary for further inspection.

During secondary inspection, Defendant was queried by fingerprints and photograph through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query, identifying Defendant as a citizen of Mexico and previously deported/removed alien.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Mexico with no legal documents to enter the United States. While conducting CIS and DACS system queries, it was found that Defendant was deported from the United States on or about October 26, 1998 to Mexico. Immigration service records indicate no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.

EXECUTED ON THIS 6TH DAY OF OCTOBER 2007 AT 0800.


John Poplawski / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on October 5th, 2007 in violation of Title 8, United States Code, Section 1326.


U.S. MAGISTRATE JUDGE

10/6/07 - 1:15pm
DATE / TIME